

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA : CASE NO. 3:22-cr-00071
Plaintiff, : (Judge Thomas M. Rose)
v. :
ANTOINE DRAINES : DEFENDANT ANTOINE DRAINES'
 : SENTENCING MEMORANDUM
Defendant. :

This is not a case of an unrepentant lifelong fraudster who fails to recognize his wrongdoing or seeks to escape responsibility for his actions. Antoine Draines' life is an inspiring success story, marred only by his ill-fated and selfish decision to take advantage of Government largesse in the form of obtaining CARES Act monies to which he was not entitled. As the Final Presentence Report notes, Antoine Draines picked himself up by his bootstraps as a young man, turned his young life around, joined the military, obtained a master's level education, married and raised a family, and gave back to his community in the form of service and charitable acts.

Unfortunately, during the Covid-19 pandemic in 2020, Mr. Draines made several applications on behalf of his tenants, some of whom were Section 8 recipients, to obtain CARES Act payments. In total, he made false applications that sought approximately at least \$150,000 in Government funds to which he was not entitled. He also made an application for approximately \$20,000 in unemployment assistance funds from the Ohio Department of Job and Family Services to which he was not entitled and assisted two other individuals in making false unemployment assistance applications to ODJFS that totaled approximately \$35,000. After he received these

funds, but before he was charged in this case, Mr. Draines voluntarily returned \$67,500 to MVCAP, the agency that had distributed Covid-19 relief funds in 2020. Mr. Draines also credited the tenants for whom he had made the application for funds against their upcoming rental obligations. By way of illustration, in a case in which he submitted a false claim for CARES Act funds on behalf of a tenant who was not entitled to those funds, he gave that tenant a rent credit in the amount of funds he had received in their name, even though that tenant was not entitled to receive the funds in the first place.

The Sentencing Guidelines are neither mandatory nor presumptively reasonable. The Guidelines are simply one of many factors for this Court to weigh when selecting a sentence that is sufficient but not greater than necessary to satisfy the purposes and goals set forth in 18 U.S.C. Section 3553(a). *Gall v. United States*, 552 U.S. 38, 49-50 (2007). “Although the Sentencing Guidelines serve as a ‘starting point and the initial benchmark,’ the district court has the authority, based on its ‘individualized assessment’ of the facts, to weigh the factors listed in section 3553(a) and fashion a sentence outside the guidelines.” *United States v. Anderson*, 267 F. app’x 847, 850 (11th Cir. 2008) (quoting *Gall*). We submit that such an individualized assessment requires a downward variance from the Guidelines and a sentence of probation with home confinement as a condition, or in the alternative, a split sentence.

I. Applying the Section 3553(a) Factors

A. Antoine Draines’ History and Characteristics

Mr. Draines’ personal history has been fully recited in the Final Presentence Report and will not be fully recounted here. However, it is important to note that this is a first-time criminal offense for Mr. Draines. This is notable because, as a juvenile, he initially started down the wrong path and began to associate with the wrong types of people. However, largely because of the

influence and stern guidance of his great-grandmother, Antoine straightened his back, joined the military, and became an outstanding example of how discipline and commitment can make a difference in a troubled young life. Antoine had no father in his life from age 4-27, his mother suffered from schizophrenia, he moved through various group homes, he joined a gang as a teenager, and yet, eventually he honorably served in the Air Force, obtained a master's degree, and serves as a faithful father to his young family. His life is a success story marred only by the transgressions he committed here.

1. Antoine Draines' Dedication to his Family, Faith, and Community¹

Mr. Draines has always been dedicated and committed to his community. Because of his struggles as a youth, Antoine volunteers with the Montgomery County Juvenile Court, mentoring young teens and demonstrating to them that there is a path to success for them. After committing the offense here, Mr. Draines has also shared that story with the young men and women at the Juvenile Detention facility, to promote respect for the law instead of complaining about his current situation.

Antoine's family and friend network is strong and supportive. The following are excerpts of letters submitted to the Court, all of which demonstrate that Mr. Draines has had a positive impact in the Dayton community:

- **5/10/23 Ltr. from Dr. Pat Murray, Sr. & Founding Pastor of the Living Word Church in Vandalia, and Founder & President of the Dayton Dream Center**

"He has been a faithful member of our church and has volunteered in our children's ministry and small group ministry, where he and his wife taught a marriage curriculum. He has been a . . .

¹ Letters in support of Antoine have compiled and are attached to this Sentencing Memorandum in Exhibit A, which is an indexed collection of letters written by his family, friends, local community leaders, and colleagues. The collection includes both letters written to your Honor, as well as letters written in support of Antoine generally.

generous giver to his church and to others who have needed his help. He is a kind-hearted man, and a caring father to his children. I believe Antoine to be a good man who is sincerely sorry. He is a faithful member of our church, loving husband, and a needed father.”

- **Ltr. From Joel and Kelcey Murray (undated), Pastors at Living Word Church in Vandalia**

“[W]e’ve had the opportunity to get to know him and his family well over the past 6 or 7 years He and his wife Alicia have served faithfully in our Kids department for the past 4 years. Over the past 6 years, we have stood by and watched as he and his wife have made a commitment to serve the church faithfully in the midst of their busy lives with 4 children of their own. They have showed up early and stayed late to ensure that other parents could attend church while their children were cared for. He has lovingly wrapped his arms around so many people over the years welcoming them without judgement We have had a front row seat to Antoine’s involvement in his kids sporting events and other school activities. He takes every opportunity possible not to just be there, but to be an active participant, encouraging his children and all of their classmates as well. [H]e has worked so incredibly hard to lead them in Godly ways.”

- **5/22/23 Ltr. from Monica Bryant-McGuire, Member of Living Word Church**

“{I’ve known Antoine for years, and we developed a relationship through our small group team. He shared his life story with me What that demonstrated to me, as a fellow veteran of United States Navy, is his willingness to serve, sacrifice his life for others, generosity, and motivation to volunteer when others wouldn’t. He has a passion for youth, because he could relate to the struggles of being a young African American male I even asked him to talk with my 13-year-old son last year, because I was feeling frustrated with his behavior in school and his life choices[.]”

- **Ltr. from Timothy Pounds (undated), Youth Counselor Supervisor at Lenoir Youth Development Ctr. and Cousin of Antoine**

“Antoine is one of the few positive male examples we have ever had in our family. He’s my big cousin, but he’s been the older brother I never had. To see him get in involved in Church, join and go the through ranks of the military, put himself through college, marry a beautiful and educated woman, start a family and be the father he never had growing up is renowned. My cousin is legendary in my eyes. I frequently share his story with the at-risk youth I currently work with to give them hope. Many people depend on him, not just financially, but for his wisdom and support.”

- **5/28/23 Ltr. from Demetria McCreary, Member of Living Word Church**

“I have known Antoine since he parked his bicycle and walked into our church at the age of 19 years old. Antoine consistently participated, eagerly volunteered, and began to reflect the established values he learned in our Youth and Young Adult Communities. Over the years I have seen Antoine put into action the foundational principle of having a “**Servants Heart**” our Church Community instilled into him as he grew and matured. I have seen Antoine express his desire to give and serve others by freely giving his time mentoring others including my children, giving experiences by sponsoring vacations for friends and employees, giving service in his local church, and financial gifts.”

- **Ltr. from Ravon Ravenell (undated), Pastor at The Presence Church, N.C.**

“We met as young men who were rescued from the streets by our mutual faith in Christ. I credit him for helping me find my purpose in life. From there, we inspired each other to be better men as we did life together. In my 25 years of knowing Antoine, he has been integral, dependable, focused and diligent while being an asset to his community and his family.”

- **Ltr. from Joseph C. Lewis, Esq. (undated), Real Estate Attorney and Real Estate Investor Who Severed as Commissioned Officer at Wright Patterson A.F.B.**

“I have known Antoine for a dozen years, and his actions in this case are not representative of the man I know. I have observed Antoine in some stressful situations, in litigation with tenants, contractors, and with contract counterparties. He has always conducted himself as a man of integrity and humanity.”

- **Ltr. from Eugenia Reeves (undated), Sister-In-Law of Antoine**

“Antoine has been instrumental over the last 13 years in ensuring that we all get together. I have seen firsthand Antoine take on all the expenses so that everyone can be together and enjoy the moment. Not once has he ever shown that it has been a burden because the importance was that we were all together. And every time we are together Antoine is pouring knowledge, wisdom, encouragement, and sometimes even money into us. Knowing Antoine to be an honorably discharged service member, a man of God, an entrepreneur, a loving husband and doting father[.]”

- **5/24/23 Ltr. from Cory T. Burnett, Active-Duty Army Officer**

“I’ve known Antoine for 21 years. He’s a protector of his loved onesHe’s an amazing husband, father, and friend. He has always been a man of valor, integrity, and honesty. He is a man of his word, and upholds his promises. There is not a friend like him that possesses these characteristics. I’m truly blessed to have him as a friend. As Bible speaks that Jesus is a friend that sticks closer than a brother, I consider Antoine that type of friend.”

- **Ltr. from Devante Barnes (undated), Real Estate Investor and General Contractor Who Served 9 Years in the Ohio Nat’l Guard**

“I have known Antoine around 14-15 years. He became not only a friend but an older brother I could look up to who was on a great path in life. Also, a God-fearing man who inspired me to

follow close in his footsteps. Antoine is a loving and caring father and husband. He takes his relationship with the heavenly father serious. He makes sure his kids have morals—that they carry themselves with respect, integrity, self-worth and be good leaders. These are the same morals I see in him. Antoine is the type of man you can ask him for something and he wouldn't expect anything in return.”

- **Ltr. from Carlton Taylor (undated), Retired Lt. Col., U.S.A.F., Government Civilian at the Nat'l Institute of Health**

“When we were in AFROTC, we regularly spoke to encourage youths and warn them of life's pit falls. . . . I know Antoine to be a shining example of how to conduct oneself[.] To describe the character of man I know as Antoine, I say Man of God, Compassionate Son, Caring Husband, Dedicated Father, and Wonderful Friend. As a compassionate son he sacrificed his career's potential when he took a Humanitarian assignment. He did that to ensure his mom had the medical facilities and care she needed. As a caring husband, he always supports his wife. He also would be the first to respond when I needed help moving furniture or just volunteering for a military function.”

- **5/25/23 Ltr. from Jason S. Vencill & Angela M. Vencill, Owners and Operation Managers of Above All the Rest Property Management Company**

“In the years that we have known him, we have witnessed Antoine as devoted to his wife and family. He is active in the raising of his children with his wife Alicia. He has also been a person that employs people who are trying to change their lives. Antoine has actively helped both personally and financially with outreach in our church's Food pantry. He is a man who gives of his time and resources for others and has provided tuition for students to attend Christian school.

I am sure that there are many instances where he has helped others, as it is just the kind of person he has been.”

- **Ltr. from Alicia Draines (undated), Wife of Antoine and Mother of His Children**

“I am Antoine’s wife of 16 years. Just 3 months into our engagement his mom, Ethel, got seriously sick. After a lot of debate and prayer, Antoine completed the paperwork for his mom (and brother) to become his military dependents. As soon as his mom was stable, he moved them from North Carolina to Georgia. He enrolled Sean in school and they started a new chapter. Antoine is a giver. He loves with his arms, heart, and wallet wide open. I’ve seen this displayed countless times over the years. He so graciously ensured that Ethel (and Sean when he was younger) always had what they needed—house, furniture, clothes, food, etc. His maintenance crew is another good example of his willingness to work with people . . . comprised heavily of those that need a second chance. He loves those guys and gives them countless opportunities to make honest money and support their families. He loves people and wants to see them doing well.”

- **6/12/23 Ltr. from Ashley McCreary, Antoine’s Sister & Biomedical Engineer**

“[H]e has been one of my biggest supporters in life; showing up for me no matter the time, location, distance, or circumstances. He is always pouring wisdom into me and pushing me to accomplish things that seem impossible. His selfless character and giving heart is evident with how he shows up for people. This selflessness isn’t just bound to the people that he loves but also to complete strangers. If he witnesses a need, he will put their needs over his own.”

- **Ltr. from Adrian Church (undated), Family Friend**

“[H]e told me “Hey, if you need something don’t hesitate to ask, I can’t help you if I don’t know”. . . . I was lucky to meet a person like Antoine. He would provide opportunities for me to work for him when I was at the lowest points in life. To this day he reaches out to see if there is

anything I need. Whether it is financial, a person to learn from, a hot meal and warm bed to sleep in until you are back on your feet, that's who Antoine Draines is."

2. Antoine Draines' Lack of any Criminal History

This is Antoine Draines' first and only criminal offense. His performance while on pretrial release with the Court demonstrates his amenability to supervision outside of a prison. Courts have routinely taken the absence of criminal history into account when seeking to fashion a just sentence. See e.g., *United States v. Chase*, 560 F.3d 828, 831 (8th Cir. 2009) (noting that "Chase's lack of criminal history, even though already taken into account in calculating his advisory range, could nevertheless have formed the basis for a variance."); *United States v. Williams*, 662 F. App'x 366, 377 (6th Cir. 2016) (affirming a below Guidelines sentence and noting that "[T]he district court emphasized that its decision to issue a below-Guidelines sentence—despite the severity of Ms. Williams' offense—was motivated primarily by Ms. Williams' lack of criminal history and her low risk of recidivism.").

Mr. Draines is an especially appropriate candidate for such a variance, since unlike some offenders in the Criminal History I category, he has no criminal history whatsoever. The U.S. Sentencing Commission has recognized that Criminal History Category I can comprise both those who have no criminal history points at all and those who have criminal records. In 2018, the Sentencing Commission went so far as to make a proposal to amend the Guidelines to account for the first-time offender category. See, *Proposed Amendments to the Sentencing Guidelines* (August 25, 2017), https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/20170824_rf_proposed.pdf. The same considerations that motivated the Sentencing Commission to propose this amendment should inform this Court as it fashions Mr. Draines' sentence.

B. Respect for the Law and Just Punishment

The Supreme Court recognized in *Gall v. United States*, 552 U.S. 38, 54 (2007) that fashioning a sentence “to promote respect for the law” does not invariably point towards harsher sentences involving greater lengths of incarceration. Rather, such sentences “may work to promote not respect, but derision, of the law, if the law is viewed merely as a means to dispense harsh punishment without taking into account the real conduct and circumstances involved in sentencing.” *Id.*

Mr. Draines has already suffered immensely for the offenses in this case. He has been identified in the local press as a wrongdoer and has already made financial restitution to MVCAP in the amount of \$67,500, as well as repaying ODJFS over \$20,000.

Before the Indictment in this case, Mr. Draines had tremendous standing in his church community. Just as notably, he was an active leader in the Dayton community as a whole, and was a stalwart advocate on behalf of the poorer members of our community. His well-deserved reputation has been significantly damaged.

Courts have accounted for devastating collateral consequences, like those visited upon Mr. Draines, when imposing a sentence “sufficient, but not greater than necessary” to embody the principles of 18 U.S.C. §3553(a). In *United States v. Anderson*, 267 F.App’x 847, 850 (11th Cir. 2008), the Court affirmed a downward variance in an insider trading case for a defendant who was “50 years old and supports college-aged children,” on the grounds that he “lost his high-paying job and has been forced to relocate to obtain any employment in his field and only then at a significantly reduced salary . . . [with] an uphill battle to regain his professional credibility.”

This factor weighs in favor of a non-custodial sentence.

C. Deterrence and Protection of the Public

This factor “unquestionably envisions more severe sentences for defendants considered more likely to commit further crimes and less severe sentences for those unlikely to commit crimes.” *United States v. Rodriguez*, 724 F. Supp. 1118, 1120 (S.D.N.Y. 1989). There is no realistic possibility that Mr. Draines could or would reoffend. His actions since committing this offense are a strong indicator that a harsh lesson has already been learned. He has made restitution and has rededicated himself to helping his local community. Just as importantly, the statistical categories into which Antoine falls—in terms of age, education, and lack of criminal history—make it highly unlikely that he will reoffend.²

A defendant’s low probability of recidivism is a central factor in properly fashioning a just sentence. See, e.g. *United States v. Clay*, 583 F.3d 739 (11th Cir. 2007) (affirming variance from 188-235 months to 60 months imprisonment due to a finding that the defendant was unlikely to reoffend); *United States v. Hamilton*, 323 Fed. Appx. 27, 31 (2^d Cir. 2009) (vacating and remanding for resentencing because the District Court failed to consider the effect of the defendant’s advanced age on the possibility of recidivism); *United States v. Cabrera*, 567 F. Supp. 2d 271, 279 (D. Mass. 2008) (granting variance because defendants “with zero criminal history points are less likely to recidivate than all other offenders”); *United States v. Hochrek*, No. 09-CR-118, 2011 U.S. Dist. LEXIS 71035, at *9 (E.D. Wis. June 30, 2011) (defendant with a Guidelines range of 46-57 months sentenced to a one year split sentence of 6 months in prison and 6 months

² See, U.S. Sent’g Comm’n, *Measuring Recidivism: The Criminal History Computation of the Federal Sentencing Guidelines*, at 28-29 (May 2004) (noting that for all male offenders in Criminal History Category I, the recidivism rate for those over 60 at the time of sentencing was only 6.2%, the lowest of any age bracket; and for those who were college graduates, the rate was just 7.1%, the lowest for any level of education studied).

home confinement in part because, “given [the defendant’s] age [50] and lack of any prior record, defendant did not pose a threat to the public”).

This factor also weighs in favor of a non-custodial sentence.

D. The Need to Avoid Unwarranted Sentence Disparities among Defendants with Similar Records Who have been Found Guilty of Similar Conduct

Section 3553(a)(6) cautions Courts to be mindful of “the need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct.” Mr. Draines, through counsel, submits that several recent cases involving the CARES Act fraud and similar white collar cases are worthy of comment and comparison. One such case is discussed below.

In *United States v. Jenison*, Case No. 2:21-CR-00090 in the United States District Court for the Southern District of Ohio, Defendant Jenison pleaded guilty to three counts of wire fraud and one count of making a false statement in connection with her fraudulent applications for nearly \$300,000 in emergency COVID-19 relief loans. The United States sought a sentence of 21 months of imprisonment, a fine of \$95,000, a term of supervised release of 3 years, and a restitution order of \$160,274. *Id.* Having filed three fraudulent loan applications, two of which were approved, Jenison increased her purported number of employees and average payrolls each time. For one of her loan applications, Jenison provided a fabricated bank statement covering a time period before she even had a business account open with that bank.³

Further, she fabricated tax documents and IRS forms that businesses use to elect how they will be classified for federal tax purposes and those used to document federal employment tax deposits. Per the advisory guidelines, Jenison’s Total Offense Level was 16, her Criminal History

³ Jenison admitted to submitting three fraudulent applications for PPPP loans: (1) an April 27, 2020 application for \$86,896.67, which was not funded; (2) a May 29, 2020 application for \$98,120.00, which was fully funded; and (3) a February 18, 2021 application for \$113,703, which was funded for \$62,127.

Category was I, and the applicable range was 21 to 27 months of imprisonment; a fine of \$10,000 to \$95,000; and a term of supervised release of 1 to 3 years.

Jenison pleaded guilty to three counts of wire fraud and one count of making a false statement within the Jurisdiction of an agency of the United States (18 U.S.C. §1001(a)(2)). She was sentenced to 5 years probation on each count to run consecutively. Further, it was ordered that she participate in the home detention component of the location monitoring program for a period of up to 180 days. She was ordered to pay restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664 in the amount of \$128,783.04 with a fine of \$250,000. Having assessed her ability to pay, she was ordered to immediately pay a lump sum of \$379,183.04. There was also a special assessment of \$400.

We submit that a similar sentence is warranted here.

II. Conclusion

Taken collectively, all the statutory sentencing factors weigh in favor of a non-custodial sentence. Considering the circumstances of Antoine Draines' case, the impressive history of his life, the fact that he has already made significant restitution. and his potential for a rehabilitated future, we ask that the Court grant a downward variance from the recommended Sentencing Guidelines range and impose a non-custodial (or at least a non-institutionalized) sentence.

Respectfully submitted,

/s/ James P. Fleisher

James P. Fleisher (Atty. Reg. No. 0059509)

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July 2023, I electronically filed the foregoing document with the Clerk of Courts by way of the Court's electronic filing system.

/s/ James P. Fleisher

JAMES P. FLEISHER (#0059509)

4885-7329-7515, v. 1

29 June 2023

Dear Judge Rose,

My name is Sean Oates, I am 28 years old, and I am the younger brother of Antoine Draines. My brother has been in my life throughout my whole life and has always been there for me. Not only has he been there for me, he took me in as a young boy and raised me as his own son. Some of the most fond moments of my childhood was when Antoine would come home on the weekends from college when we lived in North Carolina. He would always make sure me and mom had a refrigerator full of groceries, he made sure he bought me clothes, and he would go to blockbusters and rent movies for me. More importantly he would always make sure he took us to church. When Antoine would go back to college, he would make sure that someone would give us a ride to bible study on Wednesday. As a boy I was very proud of my brother for coming from the circumstances he faced, graduating college and becoming a commissioned officer in the air force and moving to Georgia as his first duty station.

In August of 2005, my mother had a schizophrenic episode. My mom was in serious need of care. Without hesitation my brother Antoine came back down to North Carolina and took me and my mother in as his dependents. If it had not been for my brother's caring nature, and having God in him, I would have possibly gone to a group home, and possibly been in the foster care system. There was no one who would have taken me in. My brother put his life on hold to make sure that me and mom would be properly taken care of. Unfortunately 3 months later my mother had another episode on Thanksgiving of 2005, and my mother had to go to a mental hospital until she got better again. During this season of my life I was 10 years old, I was scared that my mother would never be the same, and I grew up with no father. I didn't know where he was, and the only person I had was my brother Antoine. He became the father I never had, and he became the father I needed. He raised me to be a man of God, a man of integrity, and a man of compassion, and love.

Today I am currently serving in the Ohio Army National Guard for 9 and a half years as a Staff Sergeant, I am an Entrepreneur, I also work in real estate, I have a multimedia business, I serve at my church, and more importantly I have a family. I am currently engaged to the woman of my dreams and she has a child that I raise as my own. I do not consider her a step child because she is a blessing that God has given me and that is she is my daughter. My brother Antoine Draines paved the way and opened the doors for me for all of these positive things to happen at the age of 27. I followed in his footsteps of joining the Military, becoming an entrepreneur because he taught me to always believe in myself. I started working in real estate because I saw a positive avenue that my brother was doing. My brother always encouraged me to serve in the church, and since I took his advice my life dramatically improved. The best thing my brother has shown me is to love someone else's child as your own, and how to be a loving father and Husband Antoine is my hero for taking me in, and providing me a life that I could flourish in. He was the example of what it means to be a father to a child that isn't yours biologically. He gave me the road map to do it, and that has led to the success of my current

family that I have taken care of. Antoine has been a shining example of what it means to put God first and be a great man to people around him and being a husband and father.

I am currently aware of the charge of wire fraud against my brother Antoine Draines, and the current time he is potentially facing for his crime. Ever since Antoine has made me aware of what he had done, my brother has done the work to correct himself, and do the work from the inside out to a better Antoine Draines. My Brother has deep remorse for the crime. He has learned some of the most important lessons of his life during this season. He is aware of nature and how his actions have affected people and he has taken accountability for this. When I was made aware of my brother's actions, I was deeply hurt, and I personally felt like I didn't know the person that was always there for me anymore. I held a lot of unforgiveness in my heart for a while. I was angry more so because he was basically my father growing up, and he always taught me to always do right. I knew that was not in the character of my brother and someone that I hold in high regard. After watching my brother develop into a better person during this time of his life, it made the process easy to forgive him and understand that he had a poor lapse in judgment. Watching him become better taught me a lot about having grace for people, and understanding that we all fall, But can make the most of changing and taking accountability of ourselves. I truthfully believe human beings make mistakes, sometimes the worst mistakes in our lives, but God will use it to make you into the person you were supposed to become and always be. God will use flawed people to get his purpose across. I believe that my brother is truthfully sorry for his actions, and would like the opportunity to continue to make this right. Judge Rose, I want to ask for leniency towards my brother Antoine, I believe that Antoine can and will still do a lot of good in the community that he serves. I think my brother can make the most of an opportunity at a second chance.

Thank you for taking the time to read this. Have a blessed day.

Sean Oates

Robert Capers III
14 Jefferson St
Copiague, NY 11726
June 15, 2023

RE: Mr. Antoine Draines

To The Honorable Judge Rose:

I have known Antoine for approximately 35 years because I am Antoine's cousin. We practically grew up together. During this time, I have observed him grow and mature into a responsible and respectful God-fearing man. This is why I can attest to the fact that Antoine always strives to do what is right. Antoine has always been an active member at his church where he volunteers his time on several committees. He always makes best efforts to devote his time toward serving and building the community where he lives.

The alleged fraud charges that Antoine is being accused of is totally inconsistent with his overall character and repute. I have watched Antoine come up in the ranks where he built a successful business from the ground up, while obtaining his Bachelors and Masters Degrees. Antoine has always been a hard worker because he wanted to make sure that his family is well taken care of.

Antoine has always been a man of discipline, which is why he joined the United States Air Force. In the military, Antoine received many medals of achievement before receiving an honorable discharge after more than 10 years of service. Antoine has served his country with honor and integrity.

I am currently a Special Agent with U.S. Department of Defense/Defense Counterintelligence and Security Agency. I have become an expert in my field when judging an individual's character and integrity. I interview individuals to determine their suitability for federal positions of high national security. Making an assessment based on someone's conduct and behavior is apart of my every day job. I have always been taught to look at the whole person and not just one moment of indiscretion that may have occurred. Due to agency policy, I was not able to use agency letterhead for this communication because it is out of the scope of business of the Department of Defense.

Antoine's had a rough upbringing where he was once in a group home for children because his mother was unable to care for him for a period of time. This was no fault of his own. Antoine has been able to overcome adversity to have his own beautiful family. I plead with

you to extend leniency to Antoine in regards to his sentencing. I implore you to consider his wife and children who he takes excellent care of. Antoine wants to continue to be a positive example to his children and to those who look up to him in the community. Antoine is very remorseful and I am confident that there will be no further problems in the future.

A handwritten signature in black ink, appearing to read 'Robert Capers III', with a horizontal line extending to the right.

Robert Capers III

Special Agent

U.S. Department of Defense (Defense Counterintelligence and Security Agency)

Dear Judge Rose,

I have known Brother Antoine Draines for several years now. We both go to Living Word Church in Vandalia, OH. We also serve on the Juvenile Ministry Team together, and are both part of the "Men of Valor" Monday night Men's Bible Study group. In addition to that Antoine has helped us with our Annual Mighty Men's Retreat for the past two years where we take young men out camping, fishing and canoeing at Caesar's Creek State Park.

Antoine and I serve side by side at the Juvenile Detention Center in Dayton, OH where we conduct Bible Studies and Church Services with the young men who are incarcerated there. Antoine has a powerful testimony and is able to connect with the young men in ways that many of the other volunteers are not able to. He shares with them about his past mistakes as a Juvenile and how he was able to find success despite all the changes that he faced growing up. He has shared with them about the poor decisions he made during Covid and how that has impacted his community residents, and his family. Antoine has made mistakes in the past, but I have found him to be a sincere and compassionate Brother in Christ who goes out of his way to help others and sincerely wants to encourage the young men to get on the right path in life.

During our Annual Men's Retreat we need other men to step up into leadership positions, take on responsibility and lead groups of young men in activities. Antoine has always stepped up and done a great job leading the groups and in fostering impactful group discussions.

When we have our weekly Monday night Men's Bible Study Group we often encounter other men who are going through challenges in life or struggling in their relationships with their wives or children. Antoine has been a faithful member of our group and has been very encouraging to the other men, since he has dealt with many of the same challenges in his life and God has helped him get through. He is always willing to share and shows empathy towards others who are in the midst of challenging times.

One of the biggest challenges we see in our society today is that many kids don't have a father in the home or a positive male role model in their lives. Antoine has stepped up to take care of his responsibilities as a father to his own children and has stepped out to be a positive male role model for other young men in our community. We need more men like Antoine Draines here in Dayton, OH. Not perfect men, but men who are willing to strive to get better, and help others along the way. I am proud to call Antoine my friend and Brother in Christ. Please grant him leniency in his sentence.

If you have any questions about Antoine, please don't hesitate to call me on my cell number below.

Respectfully,

Chaplain Joe Jackson
Montgomery County Juvenile Detention Center
937-301-5814

To God be the glory!

Joshua 1:9

"Have I not commanded you? Be strong and courageous. Do not be afraid; do not be discouraged, for the Lord your God will be with you wherever you go."

Dear Judge Rose,

I am Duane Draines, father of Antoine Draines, and it is my honor to give a character reference on his behalf. His mother and I met when we were 14 and 15 years old in 1977 at a Christian camp in upstate New York called Talcott. We got to know each other over that summer and found out that we actually lived close. When we got back to the city we would visit each other and we became very close. Within about a year she became pregnant. Our parents and grandparents were devastated. I was scared, not realizing that I was able to get someone pregnant.

I had no idea what it was like to be a father or what was expected of me. I recall Antoine being a newborn. I was petrified of picking him up or even trying to hold him in fear of mishandling him or dropping him. So out of fear, and me being a child myself, I began to isolate and distance myself from him and his mother. I said to myself, I'll wait until he becomes big enough to hold and carry around. His mother at that time began to suffer with postpartum depression which I didn't understand. Meanwhile I began to hang out with the wrong crowd and shortly thereafter got into some trouble which caused me to be out of his life for a couple of years.

When I returned home I found out that Antoine was staying with his grandparents in North Carolina. I remember him coming to visit us for the weekend. I kept him. I believe he was about four years old. He was such a sweet kid. Shortly thereafter my father passed away and my mother's father became ill and I moved to Georgia. I lost all contact with Antoine and his family. 20 something years went by and I had no connection to him or his family and didn't know how to get in touch with them. He always stayed on my mind and in my heart. I would pray out loud, "if my son is still living please God let me see him again."

God heard my prayer. One day while at work my mother called my job—she would never do that unless it was an emergency—and she said, "Duane do you have a pen? Write this number down." I wrote the number down and I asked her whose number it was. She said it's your son Antoine's number. I almost passed out with so much nervousness in my heart. I held that number for a whole day before I finally got enough courage to make that call. When I heard his voice for the first time it made my heart smile. It was like the heavens opened up for me. We talked for over two hours and in that conversation Antoine told me that he was in the United States Air Force and that he had just left Warner Robins, GA, the state and city that I was currently living in. He told me that he would love to see me and of course I would love to see him, so I invited him to come. About three weeks later he showed up at my front door. When I met him I fell in love with this spirit and his grace that he showed me for not being there for him when he needed me the most. We talked all night. We laughed and we cried. He explained to me what he went through as a youngster, about moving from foster home to foster home and going down the wrong path but then deciding to go in the right direction. He even talked to me about the prior anger issues he had regarding me, but that it was all gone now. He had a spirit of total forgiveness. He said, "we can't do anything about the past but we can move forward from this day." Antoine's commitment to moving forward is astronomical.

He is now a tremendous father of five beautiful children. He is up close and personal with everyone he meets. It seems like he's never met a stranger. If your day is going bad he has the words that can lift your spirits. He has so many other spiritual children who he encourages, myself included. He shows his father how to be a father and I learn more and more every time I am with him. Antoine is a loving husband to his wife. I watch them together, the way he treats her and speaks to her. I am learning

through him. He is kind, very thoughtful, and considerate of others. Above all, he makes his word his bond. He is a hard-working young man who makes work for others. I know about the trouble that he is in. We've talked about it multiple times and he's very remorseful. I know he's learned from his mistakes and is ready and committed to moving forward in a more positive direction, again.

Please consider his background and all that he's overcome, as well as all the people that he is currently impacting when you determine his sentence. Please be lenient.

Thank you for your time.

Duane Draines

**Judge Thomas M. Rose
Walter H. Rice Federal Building and U.S. Courthouse
200 W. Second Street
Dayton, Ohio 45402**

Dear Judge Rose,

My name is Derrick Strahorn. I am a retired attorney. I spent over 30 years practicing law, much of it here in Montgomery County. I initially met Mr. Antoine Draines through the Greater Dayton Real Estate Investors group at least 15-20 years ago. In those early days, he did not have any rental properties. He was initially seeking to gain information about real estate investing. He was interested in learning as much as he could before actually actively investing. He struck me then, as now, to be a very conscientious, determined and dedicated individual.

Once he started investing, he fairly quickly began to have success. I have had the pleasure of watching him build and grow his real estate business and his family. I have performed legal services on his behalf in the past, as a significant part of my practice involved landlord/tenant matters. I am glad to say that he became a friend well before he ever became a client.

I am familiar with the situation that he is facing before your Court. He has openly and candidly discussed the matter with me. I don't know that I am capable of adequately expressing the level of remorse and regret Antoine feels for acting as he has and putting himself in this situation. As a former military officer, he has always held himself and his conduct to a very high standard. I do not believe anyone is more upset and disappointed about this situation than Antoine.

Helping others has been a part of his character ever since I have known him. Indeed, participating in the Section 8 Program and helping provide housing to underprivileged parties is consistent with his character and personality. The situation in which he became involved is NOT consistent with his normal character and manner of conducting himself.

It is my understanding that he has acted and taken steps to rectify any financial harm that his actions caused. Again, that is consistent with his character. When he makes a mistake, he is the type of person who is prepared to make things right. It is my understanding that he has done so in this instance.

Judge, as you well know, there are criminals and there are people; good people, who make mistakes. Antoine is clearly the latter type of person. He is a strong, dutiful family man and has a wonderful family. He is a benefit to our local community not only because he provides affordable housing, but because of the other contributions he makes to benefit this community.

Keeping Antoine here in the community would not only be of better service to him and his family, but will also be of better utility to our entire community. I believe he has learned a great deal from this entire incident and I believe that the Court will not see him engage anything like this, or any other wrongful activity in the future.

Sincerely,

Derrick Strahorn, J.D.

Norbert E. Simmons
102 Breezewood Dr
Goldsboro, NC 27534

To the Honorable Judge Rose,

My name is Dr. Norbert E. Simmons the founding/former pastor of The Deeper Life Church Ministries located in Goldsboro, North Carolina. On August 22, 1974 my life was radically changed by a message called “The Handwriting on the Wall”; it was that night I decided to follow Christ. As a result of the transformation that happened in my life, I shared the message of hope with everyone I could, and before I knew it I was a well-known evangelist in eastern North Carolina. In 1979 I began pastoring a church, and in 1984 The Deeper Life Church Ministries was founded. On September 7, 1997, Antoine Draines was riding his bike past our church, and one of the parking lot attendants gave him information about our church and he decided to attend that day. The very next Sunday Antoine decided to surrender from the life that he was living and give Christ his heart.

I remember when he came to the ministry, he would chain his bike to our fence, and we were trying to figure out who was leaving this bike outside during our services. Eventually we found out it was him. He was a determined young man who had relocated from New York City to this small town for a better life. He had escaped a harsh environment filled with drugs and gang violence. He came to us looking for a better way. He was a very dedicated young man who got very involved right away; within a year he started attending our leadership sessions at the church and was heavily involved in our youth ministry, choir, and outreach ministry. In addition to the ministry teams, he also FAITHFULLY followed me all over North Carolina and beyond as a preached at other churches. Whenever I looked up from the pulpit he was there.

I have known Antoine for the past 26 years. He is like a son to me. I had the distinct honor of seeing the power of Christ transform him from a drug dealer, juvenile offender, 9th grade dropout, gang member, to a campus ministry founder, United States Air Force Officer, Husband, Business leader, and wonderful father. I had the great privilege of officiating his marriage to Alicia in 2007 in Hoover, AL. I have shared Antoine’s testimony hundreds of times from the pulpit and in life in an effort to inspire and encourage people that they can overcome their circumstances—no matter the difficulty. In fact, on January 12, 2003, during our Grand Opening celebration for our new church campus, we featured Antoine’s story during the service. Our Arts department transformed his story into a play and he appeared at the end of his story. We had over 1500 in attendance that day who were inspired by what God had done in his life.

The day Antoine told me about the wire fraud charge I was preaching at an event that Sunday morning in a small church in South Carolina. Antoine had followed me once again. When I got up to share the message I began by telling his story to the hundreds of people in attendance.

Antoine was on the back row and I could see him tearing up as he heard his story, again. That evening Antoine came by my house for our meeting that he requested. Before he shared with me the topic he wanted to discuss he reminded me of several messages I'd taught about 20 years earlier: "Damaged but Reusable," "Broken but Spilling out," "Saints that do Sinner Things," and "Sin will take you Further than you want to go, Cost you more than you want to pay, and Keep you longer that you want to stay." I could tell that he had been in deep thought. It was at that time that he told me about the wire fraud charge—his actions and the people that were affected by his poor decisions. Antoine expressed extreme remorse and embarrassment for his actions. I know this conduct is not consistent with his character.

I am extremely proud of the man Antoine has become, even now. It is heartwarming and inspiring to see the fruits of my labor. I have pastored over 10,000 people in my over 30 years of ministry and dealt with many hardships along the way. There have been people who have not always lived up to the potential that I saw in them, but Antoine continues to exceed my expectations. I know that he will come out better and wiser and fully grounded in integrity—I see it already.

Antoine has been a beacon of light in Eastern North Carolina for over 25 years; he continues to impact this community through his friendships and investments. He is a present father, loving friend and husband, and a faithful Servant. I am asking for leniency as you determine his sentence.

Sincerely,

Apostle Norbert E. Simmons (Ret'd)

Ashley McCreary

815 S Martin Luther King Jr Ave
Salisbury, NC 28144
(919) 221-4210
Ashleymccreary015@gmail.com

12 June 2023

Honorable Judge Rose

Judge of Southern District of Ohio
200 West Second St
Dayton, OH 45402
Re: Antoine Draines, Case Number 3:22-cr-00071-TMR

Dear Judge Rose,

My name is Ashley McCreary and I am writing on behalf of my brother, Antoine Draines. I am a 25 year old wife, mother, and biomedical engineer. Antoine was introduced into my life while I was a young child and quickly became my big brother. For as long as I can remember, he has been one of my biggest supporters in life; showing up for me no matter the time, location, distance, or circumstances. He is always pouring wisdom into me and pushing me to accomplish things that seem impossible.

Of the countless memories, two truly stand out. First being when I was 20 years old, a junior in college, and found myself pregnant thinking my life was over. Without skipping a beat, Antoine was on a flight that same week to be by my side as I processed this life changing news. While others judged, ridiculed, and encouraged me to drop out of school, he proudly stood by my side. The second most memorable time with Antoine is when I decided to buy my first house. He walked me through the process and even blessed us with the money for the down payment; without looking for anything in return. On top of that, he traveled 10+ hours to be present at my closing.

His selfless character and giving heart is evident with how he shows up for people. This selflessness isn't just bound to the people that he loves but also to complete strangers. If he witnesses a need, he will put their needs over his own.

When I and the rest of the family were made aware of the actions and unfortunate circumstances resulting from the choices he made, shock was an understatement. It just didn't sound like the Antoine that we know and love. Nevertheless we acknowledge that he indeed did those things and are deeply saddened by it. Throughout this process over the last two years, we have seen him evolve. He took the time to process what he had done and realize the magnitude of which it affected others negatively. It broke him down to his core. Piece by piece he has done the work to amend, fix , heal, improve, and grow as a person, father, husband, friend, brother, church member, and a member of society.

Thank you for taking the time to read my letter.

Sincerely,

Ashley McCreary

Dear Judge Rose,

I am writing this character letter for Antoine Draines a person that made an immediate impact in my life. I met Antoine through my best friend Sean Oates which is his little brother. It took about 2 years after the time I deployed with Sean to finally meet Antoine and get a chance to introduce myself. Every time me and Sean spoke about his brother I always said "man I have to meet him and pick his brain". When meeting people for the first time you are really always on edge because you only get one time at a first impression. When Sean took me to Antoine's house for the first time I'll never forget he stood up from his work chair shook my hand gave me a hug and told me "It's good to finally meet you family". With those being his first words, I knew I had Antoine in my corner. All 3 of us sat around for hours talking about life. His wife had left over food that we ate, and we were playing with his children and having fun. So many lessons about life were learned that day and it was just powerful to meet someone for the first day but interact with them like we knew each other for years. Before I left he told me "Hey if you need something don't hesitate to ask, I can't help you if I don't know". The car ride with Sean put things in a perspective to let me know there are amazing people in this world and I was lucky to meet a person like Antoine. From there we would always talk. He would provide opportunities for me to work for him when I was at my lowest points in life. To this day he reaches out to see if there is anything I need. I understand sometimes people make mistakes but it should never mask the good in the world that has been done. A person like Antoine from my experience comes once in a lifetime. Some people might tell you that they will be there for you but fall short of the mission when you are in need. It takes a special type of person with a special type of heart to reach out to you and say hey if you need me I am here for you. Whether it is financial, a person to learn from, a hot meal and a warm bed to sleep in until you are back on your feet, that's who Antoine Draines is. I hope my writing this lets you understand that he is a good person. He is who he says he is and everybody deserves a second chance!

Sincerely,

Adrian Church

Denisha G. Harris

1021 Monmouth Loop
Cary, NC 27513

May 22, 2023

Dear Honorable Judge Rose:

Thank you for the opportunity to share words on behalf of my longtime friend, Antoine Draines. My name is Denisha Harris of Cary, NC. Over my 17 years in local government finance, I have served in numerous capacities, including accounting, procurement, and supplier diversity. I currently serve as the Purchasing and Contracts Manager for the Town of Cary. However, when I first met Antoine, I was a junior at East Carolina University in Greenville, NC. Over 20 years ago, I met the kind, jovial, people-loving Antoine Draines. An introvert, I'd spent the first two years of my college experience trying to crack out of my shell and give the social life a chance. I met some wonderful friends who I still have in my life today. However, I had yet to find my place at ECU. I still felt as if I was living the experience everyone wanted me to have but not the experience that I was meant to have. I was going through a tough time mentally, and I was praying to God for help.

My Christian faith is the most important thing to me. I was in desperate need of God to speak to me. I needed God's comfort and guidance to embark on the next phase of my journey into adult life. One of my friends invited me to a church revival. Here, I met Antoine. He was an outgoing guy who was always cracking jokes; yet, he was also observant and incredibly intuitive. Without me saying more than five words to him, he knew that something was going on with me. Not even a week later, he wrote me a letter. Antoine had spoken to the Lord who had given him the words that I needed to hear. He told me that God "was my bridge over troubled water." These words were exactly what I needed to hear. I still have that letter to this day because it reminds me that God is with me. God used Antoine to speak to me. But, most importantly, Antoine was obedient and was able to discern exactly what I needed to hear.

Shortly after this encounter, I met Antoine in the library where he was conducting a small group Bible study. I joined in and began to study along with the group. Every Thursday evening, we met to study God's Word and encourage each other as young Christians in college. After Antoine graduated, I and a mutual friend continued the Bible study. More and more friends joined, and Wisdom for Living Campus Ministry was born. An official student group on campus, Wisdom for Living changed the lives of many students in its 10 years of existence. Who knew that a small group of believers could turn into a campus movement!

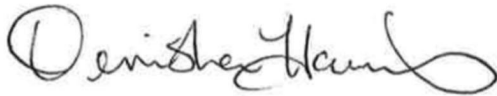
For over two decades, Antoine has been the same person to me that he has been to many others - a listening ear, a constant encourager, a sincere friend, and compassionate human. He loves his wife and family and has dedicated himself to building a life that they can be proud of.

I understand that Antoine is being charged with one felony count of wire fraud. I was one of the first people he told about his predicament when he returned to North Carolina. His words were full of remorse and regret. Antoine was disappointed in himself and, most importantly, devastated as to what his actions could mean to his wife and children. He knew that his actions were selfish and impulsive. He was and continues to be deeply sorry for his conduct. Antoine's behavior in this case does not align with his character and represents a lapse in judgement that he truly wishes he could undo.

Your Honor, I pray that the court grants leniency to Antoine. I hope that his enduring character will serve as a witness to the person Antoine truly is and that this testimony will be the measure by which he is sentenced.

Thank you again for the opportunity to speak on behalf of Antoine.

Sincerely,

A handwritten signature in black ink, appearing to read "Denisha Harris". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Denisha Harris

Dear Judge Rose,

My name is Ethel Simmons and I am Antoine's mother. I was 16 when I had Antoine. We were living with my grandmother and then there was a major altercation between me and my grandmother and the social worker put Antoine into a foster home when he was 2. Meanwhile I went into the hospital and was diagnosed with schizophrenia. Antoine was in the foster home for a couple of months, but a family wanted to adopt him, so my mother took him out of the foster home and let him live with her. When I was out of the hospital the social worker wouldn't allow me to stay in the home with Antoine so I was sent to a group home. While I was in the group home my mother and my grandmother moved to North Carolina and took Antoine with them. My grandmother took care of Antoine for 9 years. When I aged out of the group home I stayed in New York and worked and visited Antoine occasionally, but I never moved to North Carolina because my grandmother wouldn't let me live with her.

My family was beginning to say that Antoine had to leave my grandmother because she was getting too old, so my sister and her husband brought him back to me in New York when he was about 13. About a year after he returned I went into the hospital again for depression and schizophrenia. I was hospitalized for 6 months. Antoine was sent to Children's Village. There was a man there named Christopher Satori that looked out for him. I visited him throughout that time. He was in upstate New York and I was living in Far Rockaway, Queens. It took me 2 trains and about 2 hours to get to him. I saw him about every 2 weeks. It took me 2 years to get him back. He was 15 then. He was always in trouble at school. He ended up dropping out that next year and his girlfriend, Tiffany, had their son, Antoine Jr (AJ). I caught Antoine selling drugs out of the house and I told his Parole Officer. He got sent to Spofford Juvenile Detention Center for a couple weeks, but the judge released him.

When Antoine was about 18 we moved to North Carolina because I was struggling financially. I went to live with my cousin and Antoine, Tiffany, and AJ went to live with my grandmother. 6 months later Tiffany and AJ moved back to New York. Eventually I got an apartment and Antoine lived with me. He went to Job Corp and got his GED. He got a job and got his own apartment and I started living with him. He went to East Carolina and got his degree then he went into the Air Force. He started to do really well. He met his wife around that time.

I got sick in early September 2005. By that time Antoine was at his first Air Force assignment in Georgia. He came home to check on me and decided that me and my son Sean would come to stay with him in Georgia for 1 year until I was better. I've been better, but I've been with Antoine ever since.

There was a time when I thought he wouldn't amount to anything—that he would wind up dead or in jail. Well he proved me wrong. Antoine got married and started a business. He is very kind. Patient. He has a good sense of humor. He has a beautiful personality. He did great.

I'm asking you for leniency for my son. He's a great father and loving son.

Ethel Simmons

To the Honorable Judge Rose,
March 23, 2023

I am writing on behalf of Antoine Drains. Mr. Drains has been a friend and business associate of mine for about fifteen years and has always been helpful to me and many other rental property owners through the Greater Dayton Real Estate Investors Association. He is a very hard worker and good family man who also served honorably in the United States Army for ten years.

Please take into consideration Mr. Drains good character regarding this matter before the court.

Sincerely,

A handwritten signature in black ink that reads "Paul Fiamengo". The signature is written in a cursive, flowing style.

Paul Fiamengo

Gem City Rentals LLC

10600 North Cassel Rd.

Vandalia, Oh 45377

937 415 1000

937 830 1055 cell

14 June 2023

Dear Judge Rose,

My name is Alicia Draines. I am Antoine's wife of 16 years. We met in February of 2005 on the campus of Mercer University in Macon, GA. I was a student there and a leader of a religious organization called AGAPE. On the night that I met Antoine my organization was hosting a free Love Feast for the campus and community. Great food and musical entertainment drew a lot of new faces. Antoine was one of those new faces. When we met that night no sparks flew—in fact, I was quite turned off by his seeming over-confidence and bold humor. Nevertheless, I just had this uncanny “knowing” that he was the one. Antoine attended the remainder of AGAPE's events that week and at some point we exchanged numbers. Over the next several weeks I really got to know him—his career as an officer at Robins AFB, his love for his 10 year-old son, AJ, back in New York, his dedication to his mom and 10 year-old brother, Sean, in North Carolina, and above all, his love for God. I came to enjoy his incessant laughing, talking, and singing, and even his intense confidence in who he was. During that time I also got to understand his vision and his motivation towards life itself. He had dozens of goals and ambitions and seemed bent on achieving them all. The sky was his only limit. And it wasn't all about him; even then he had so many people he wanted to help and influence. This so resonated with me because I had big dreams too—I wanted to study abroad and see the world, I wanted to go to law school; I wanted to position myself to bless others. We were a match. To everyone's amazement, we got engaged in June of that same year.

We'd decided on a long engagement which would allow me the time to study at Oxford University and then return to Mercer to finish undergraduate. We talked about law school plans and how we would make it all work out with his next duty assignment. We were doing great and were excited about the future until we hit a major hiccup. Just 3 months into our engagement his mom, Ethel, got seriously sick. I knew already that she had schizophrenia and was managing her illness (and her young son) the best that she could, but suddenly everything took a turn for the worst. She had a major episode and was hospitalized for weeks. This left Antoine's little brother Sean flailing. After a lot of debate and prayer, Antoine completed the paperwork for his mom (and brother) to become his military dependents. As soon as his mom was stable, he moved them from North Carolina to Georgia. He enrolled Sean in school and they started a new chapter.

Although that was an incredibly noble thing to do—the right thing to do—our imagined future instantly vanished. It went from just the 2 of us, to the 4 of us, and I honestly wasn't sure if it would work or if I even wanted it to. In my 19 year-old mind, there was no longer any room for me. Antoine, however, was never phased by the changes. He was confident that our relationship would continue to flourish even with the addition of his mom and brother. He had zero doubts and reservations. He was firm in his desire to marry me, but he was also determined to care for them and there was no way around it.

After weeks of prayer and consultation, I decided to take the leap of faith and stay the course. We got married in March of 2007 and Antoine was right. It has all worked out—not seamlessly, but well. A lot of our big dreams have been realized—for me: studying abroad and law school, and together: becoming entrepreneurs and positioning ourselves financially to bless others. We've gone on to have four kids—Marianna (11), Josiah (8), Christian (5), and Austin (3). Antoine's son AJ is now 28. They all love their dad dearly. Sean is also 28 and doing well.

He's in the National Guard and is in real estate like Antoine. Ethel has been stable ever since Antoine moved her in 2005. It has been her joy to be united with both her sons. She's also benefited from relationships with her grandchildren close by. Antoine's master plan really paid off and it was all because he was willing to love and serve others even when it was difficult.

Antoine is a giver. He loves with his arms, heart, and wallet wide open. I've seen this displayed countless times over the years. He so graciously ensured that Ethel (and Sean when he was younger) always had what they needed—house, furniture, clothes, food, etc. In fact, the whole reason we are in real estate today, stems from this. To oblige my need for personal space, we purchased a double in Vandalia as our first home. We lived side-by-side so that he could make sure they were doing well.

Another great example of Antoine's heart of giving and serving is his relationship with his dad. Antoine met his dad for the first time a couple years into our marriage when Antoine was about 28. Antoine had every reason and right to be bitter over the years lost, but instead he graciously invited his dad into his life. He would go to visit his dad and he would routinely pay for his dad and his wife to visit us or to vacation with us. That type of generosity is abundant in his heart. I can think of numerous vacations that were meant to be for the 6 people in our household that became mini family reunions in which he invited and payed for everyone to join in the fun. I could give you countless other examples of his generosity without need to elaborate, exaggerate, or embellish. It's simply who he is.

He truly has a presence and impact wherever he goes. In our church he's continued to serve joyfully in the 4 year-old classroom, and to greet people as they enter the church doors. In the community and in business he's very well known for working with people and giving second chances. I think specifically about some of our tenants. They would not have had the opportunity to live in some of the neighborhoods they lived in were it not for him. His maintenance crew is another good example of his willingness to work with people. It's a motley crew—skilled, but difficult to work with—comprised heavily of those that need a second chance. He loves those guys and gives them countless opportunities to make honest money and support their families. This is just the type of person he is. He loves people and wants to see them doing well.

I know that Antoine's actions display a wanton disrespect for the law, but I can promise you that those actions do not reflect who he is at the core; not at all. He is kind and has humor to lighten any mood. He is a songbird, serenading our home with singing, day and night. In all our years together, I can think of only a couple times he's gone silent, and April of 2021 is one of them. When he found out about the FBI's investigation he was sad and terrified and hurting. At first I think it was the fear of the unknown and how it might affect our family, but then it was the terrible shame over letting down the ones he'd tried to help. He grieved the tenants that had to leave as a result of us losing our Section 8 Landlord status. He never wanted to hurt them. He apologized, he helped them find other apartments, and he offered them flexible exit time-frames. He attempted to ease the burden and make it right.

Antoine has learned and grown so much through all of this. He has a greater respect for the law and is back to his true core—integrity. He takes full responsibility and blames no one but himself. He understands the full impact of his personal decision to not walk in integrity. He takes it wholly to heart and I know that these lessons are NOT lost on him. He fully understands what this could mean for him, as well as for me and the kids.

Judge Rose, I know that your sentence must reflect the egregiousness of the crime, but please consider the person—Antoine Draines—a husband, a father of 5, and a beloved friend, family member, and leader with a heart for service and generosity. Please be lenient. We need his presence and rely on him more than you know.

Thank you for your service to our district and beyond.

With Sincere Gratitude,

Alicia Draines



Property Management LLC

Roofing & Gutter ♦ Painting & Drywall ♦ Tree & Landscaping

5/25/2023

Judge Thomas M. Rose
Walter H. Rice Fed Bldg and U.S. Courthouse, Room 910
200 West Second Street
Dayton, OH 45402

Honorable Judge Rose,

I am the owner of Above All the Rest, a property management company that employs some people who have a past. This might prevent them from gaining employment elsewhere. I have made mistakes myself and obtained a ministry degree while spending 4 years in prison. My wife and I have known Antoine Draines for the past 5 years. We have been in a business relationship handling some of the maintenance and upkeep on his properties. A lot of our business profits go to fund the food pantry and outreach ministry. It is one of the biggest food pantries in Dayton, feeding 160 families every week.

In the years that we have known him, we have witnessed Antoine as devoted to his wife and family. He is active in the raising of his children with his wife Alicia. He has also been a person that employs people who are trying to change their lives. Antoine has actively helped both personally and financially with outreach in our church's Food pantry.

We are aware of Antoine's charges and pending sentencing. He has been humbled and is very remorseful over the events that he caused. Many people make mistakes, and poor choices but that doesn't necessarily define the measure of a man. We all fall short from time to time. He is a man who gives of his time and resources for others and has provided tuition for students to attend Christian school. I am sure that there are many instances where he has helped others, as it is just the kind of person he has been.

We would ask you to consider leniency when determining his sentence. We know from firsthand experience how the incarceration of a parent affects a family dynamic for the worse. There are statistics that reveal the negative impact on children that are raised without their father. Especially at a time when they are in their developmental years.

If you have any questions or need more information, please give me a call.

Sincerely,

Jason S. Vencill & Angela M. Vencill
Operations Manager
(937) 270-4904

Dear Judge Rose,

I am Carlton Taylor. As you do not know me personally, I will provide some details of who I am. I graduated from East Carolina University in 2002 and served 20 years in the United States Air Force. I retired as a Lt Col and currently work as a Government Civilian (GS-13) at the National Institute of Health. I have been working in the Federal Government as a civilian for 7 years.

I have known Antoine since 2001 when we joined Air Force Reserve Officer Training Corps (AFROTC). I was one year ahead of him as we both entered Detachment 600 (AFROTC at East Carolina University). The 22 years I have known Antoine, we have bonded over being North Carolinians, joining the military and trying to be successful in life. We are both college graduates that pursued the military job of Acquisition Officers. And as fate would have it, we were stationed together at Wright Patterson and Maxwell Air Force Base. We meet periodically as I travel back to Ohio or he traveled where I was staying.

Of the case, I understand that Antoine is facing one felony count of wire fraud with a potential sentence of probation up to 27 months imprisonment.

I have spoken to Antoine about the case as his mentor and good friend. He is deeply regretful of his actions. His compassion and conviction of honor has made him remorseful and wishing to show repentance. When we were in AFROTC, we regularly spoke to encourage youths and warn them of life's pit falls. As I know Antoine to be a shining example of how to conduct oneself, this is not in line with his character. The quality of Antoine's character demands he continues the good deeds that earned him the Air Force Research Laboratory Company Grade Officer of the Year. The Air Force Code of Conduct we breathed and lived for many years (1) Integrity first (2) Service before self (3) Excellence in all you do are the qualities that Antoine has held close. To describe the character of man I know as Antoine, I say Man of

God, Compassionate Son, Caring Husband, Dedicated Father, and Wonderful Friend.

God continues to be a presence and guide his life. As a compassionate son he sacrificed his career's potential when he took a Humanitarian assignment. He did that to ensure his mom had the medical facilities and care she needed. As a caring husband, he always supports his wife. From my knowledge and when we were serving together, he was there supporting her studies as she pursued her Juris Doctor degree. One must only look at all the smiling kids' pictures to know he is a dedicated father. But I know him to be that as he was up late feeding the baby and talking to me about military policy while his wife slept. When we were at Wright Patterson AFB he would stop by my house after work, to discuss projects, writing awards, performance appraisals, job duties, and career knowledge. He also would be the first to respond when I needed help moving furniture or just volunteering for a military function.

I can write much more of who Antoine is and who he will be following this. I am happy to tell the stories of how we studied together in college or how 3 of us (Antoine, Eve and I) would go to work on a Saturday. Also, how we met to discuss military life, how to get promoted and how to be a better USAF officer. We discussed assignments to take and what would happen if the Air Force cut us. I would also tell how we planned to live close and vacation together. Antoine is a good person. Accountable to the honor never forgotten. Responsible to provide for his family and remorseful of his actions. I ask the court for leniency so Antoine can show his character through better deeds and community actions. Feel free to contact me for more. Thanks,

Carlton M. Taylor

Dear Judge Rose

I am Devante Barnes. I served 9 years in the Ohio national guard. I currently do real estate investing and general contracting. I have known Antoine around 14-15 years. I met Antoine through his brother Sean Oates, who is my best friend. He and his family basically accept me as family. He taught me about real estate when I was 18. He helped me get my first property a few years after that. He didn't know how much that meant to me. He became not only a friend but an older brother I could look up to who was on a great path in life. Also, a God-fearing man who inspired me to follow close in his footsteps. From my understanding Antoine is facing up to 27 months in federal prison for one felony count of wire fraud. From having multiple conversations with Antoine I know he is deeply sorry for his actions and takes full responsibility for them. Antoine is a loving and caring father and husband. He takes his relationship with the heavenly father serious. He makes sure his kids have morals—that they carry themselves with respect, integrity, self-worth and be good leaders. These are the same morals I see in him. Antoine is the type of man you can ask him for something and he wouldn't expect anything in return. This situation is not in line with Antoine's character or define who he is as a man of God. Judge Rose, I just ask for leniency on Antoine Draines' behalf.

Thank you,
Devante Barnes



NATIONAL GUARD BUREAU
1636 DEFENSE PENTAGON
WASHINGTON DC 20301-1636

24 May 2023

FROM: Cory T. Burnett
Oxon Hill, MD 20745

TO: Honorable Judge Thomas M. Rose
Dayton, OH


Dear Honorable Judge Rose

My name is Cory Burnett. I'm currently an active-duty Army Officer serving at the National Guard Bureau in Arlington, VA. I served a total of 16 years active and five years in the Army Reserves, for a total of 21 years total. I'm also a licensed Financial Professional who trains other Financial Professionals to help families save, grow, and protect their income.

I've known Antoine for 21 years. He is my number one best friend. I met him at East Carolina University in Greenville, NC inside of a computer lab of a dormitory. We became great friends after that day. He invited me to his Bible Study sessions that were held every Tuesday, which he led. When I got married, he was my best man. I feel bad because I was his best man, but couldn't make it because I failed a test in my training school. But he was prepared and had an alternate. He's always been there for me for whatever event I have, whether it's a promotion, birthday party, or just visiting. He was flying all the way from Ohio to Virginia or Georgia for my events.

I know about the case, the charge, and the potential sentencing. Antoine is very remorseful of his decision he's made and has profusely repented. This is definitely not in line with Antoine's character. Antoine served in the National Guard for six years. He also served in the Air Force as an officer. He is currently a disabled veteran that serves his community through real estate. He's an amazing husband, father, and friend. He has five children that loves him dearly. He's a protector of his loved ones, and does nothing to put them in harm's way. He's a wonderful husband who loves his wife immensely. There's nothing he wouldn't do for her. He has always been a man of valor, integrity, and honesty. He is a man of his word, and upholds his promises. There is not a friend like him that possesses these characteristics. I'm truly blessed to have him as a friend. As the Bible speaks that Jesus is a friend that sticks closer than a brother, I consider Antoine that type of friend.

I know his decision was out of line, and out of pocket. Please find it in your heart to bless him with grace. I ask for leniency for what he did. I do thank you for allowing me to submit my thoughts. My contact information is (910) 381-1437, or cory.t.burnett@outlook.com.


CORY T. BURNETT
Major, US Army
Program Manager

Demetria McCreary
510 Weaver Drive
Goldsboro, NC 27530
May 28, 2023

Judge Thomas M. Rose
Federal Judge
Walter H. Rice Federal Building and US
Courthouse Room 910
200 West Second Street
Dayton, OH 45402

Dear Judge Thomas M. Rose:

In writing the most important letter of my life I posed the question..." **How do I put love on a page?**" I have known Antoine since he parked his bicycle and walked into our church at the age of 19 years old.

My name is Demetria McCreary; through mutual church membership I have come to be a mentor and close family friend to Antoine, his wife, and his children (those precious angels call me "Nanna"). **Antoine is the son that was born in my heart...I love him with my whole heart.**

Antoine came to our church openly seeking to surrender his way of living; he openly pursued guidance from our faith-based community. When the doors opened; Antoine consistently participated, eagerly volunteered, and began to reflect the established values he learned in our Youth and Young Adult Communities.

Until I meet Antoine, I have never met a young man who just obeyed the guidance he was given in community... he simply "**obeyed**". We prayed for him when he went off to Job Core to receive training, counseling, and to attain his GED. We watched him become a man when he started his service to our country by joining the National Guard to provide for his single mother and brother.

The Men in our Church community mentored him and the women in our church loved him. Antoine was consistent in his desire to receive guidance in how a man serves his country, his community, and his family.

Over the years I have seen Antoine put into action the foundational principle of having a "**Servants Heart**" our Church Community instilled into him as he grew and matured. I have seen Antoine express his desire to give and serve others by freely giving his time mentoring others including my children, giving experiences by sponsoring vacations for friends and employees, giving service in his local church, and financial gifts.

Judge Thomas M. Rose

May 28, 2023

Page 2

Also, through the years part of the guidance given to Antoine has been **correction**; and in those moments, I have observed Antoine to be upfront in **“owning”** the responsibility of his actions and being open to recognizing and changing the mindset and series of bad decisions that led to the circumstance.

My heart genuinely broke when Antoine flew home; and sat down to tell me about the charge of felony wire fraud he was facing because of a series of bad decisions he made in his business practices. Hearing Antoine express absolute heartache over the direct impact of his decisions on his tenants was the saddest moment I have shared with him.

I have watched Antoine go through the process of making himself present with the people his decisions have caused pain. I have seen him first, take responsibility, and then listen as each person expressed in **their words** feelings of hurt, anger, or disappointment.

In all this heartache my **“Mother’s Heart”** toward Antoine is encouraged to see the personal growth in Antoine and to see the desire to still put into action the **“Servants Heart”** placed in his very foundation.

I humbly implore you, Judge Rose as you adjudicate Antoine’s case to please apply your expertise in executing a judgement that will place Antoine in a position to continue to give back and serve his community.

Please feel free to contact me to ask any question regarding Antoine by phone: 919-440-1894, or email: demetriaMcCreary@wcps.org

With Sincere Gratitude.

Demetria McCreary

To the Honorable Judge Rose,

Greetings, my name is Eugenia Reeves. I am writing this letter in regards to my brother Antoine Draines. He married my sister, Alicia, in March of 2007, but has been a part of my life since I was 18, I am soon to be 36.

When Antoine first came into our lives I would say it was anything but easy for him to be accepted. There was an age difference between he and my sister and significant “baggage” that he brought along. Beyond that, Antoine was talkative, sometimes too comfortable in his own skin, and unaware of social cues. I would venture to say that my mother did everything she could to steer Alicia away from what she considered to be the wrong direction... Regardless, Antoine stayed the course and never deviated from who he was. As the years progressed, we all became more fond of Antoine and really began to see his heart. That talkativeness that we once saw as negative was Antoine’s desire to get to know and understand us, his unawareness was him being so engulfed in the moment of conversation and understanding, and that baggage he brought with him was his strong desire of family and loyalty. Nowadays, those characteristics are what I welcome and look forward to when we are together.

In 2010 our mother passed and, unfortunately, the sense of family and traditions began to fade as well. Antoine has been instrumental over the last 13 years in ensuring that we all get together. Because we live so far apart from each other -Ohio and Florida, it has been quite expensive to travel with my crew. I have seen firsthand Antoine take on all the expenses so that everyone can be together and enjoy the moment. Not once has he ever shown that it has been a burden because the importance was that we were all together. And every time we are together Antoine is pouring knowledge, wisdom, encouragement, and sometimes even money into us. He literally will take time with each one of us to connect and catch up.

There have been so many times in my life where I have gone through trials and tribulations- some areas where I have been completely vulnerable and ashamed. Not once have I ever felt as though Antoine judged me or my circumstances. He would find words to uplift me and celebrate me when I would overcome. I feel like now is my time to pay it forward and encourage, uplift, and cheer him on despite his circumstances.

Knowing Antoine to be an honorably discharged service member, a man of God, an entrepreneur, a loving husband and doting father, it was definitely a shock to hear of the offenses he committed. What was even more alarming was the potential sentencing weight his charges carry. I did my own research and read many of the

ways he was dishonest with his tenants and the government. We have spoken often and extensively on the mindset that got him into this unfortunate situation as well as his accountability. From the beginning he has been transparent and shown that he takes full responsibility for his actions. I have seen great remorse for those he has impacted, most importantly, Alicia and the kids- Marianna (11), Josiah (8), Christian (5), and Austin (3). Antoine has always been so present in each one of their lives.

As we all know, life is about choices- be it good or bad. And those choices can affect our lives in completely unimaginable ways. However, a bad choice is not always a direct reflection of who a person truly is. Antoine is not a bad person, even though he chose to make a bad decision. I am asking that you consider my letter not as an excuse, but to give you a better perspective of my brother and hopefully see his heart. I am asking that you do hold Antoine accountable but please consider leniency at his sentencing. He is still an honorable man and a person that will not commit the same mistake twice.

Thank you for your time and consideration Judge Rose.

Sincerely,
Eugenia Reeves



Dear Judge Rose

My name is Ravon Ravenell and I pastor a church in La Grange NC named The Presence Church. Thank you for taking time to review this character reference letter for Antione Draines.

I have known Antione for 25 years. We met as young men who were rescued from the streets by our mutual faith in Christ. We had an immediate connection because we come from the same background and had the privilege of growing under the same leader in our church. I remember vividly the day Antione invited me to join the churches outreach team where we both saw many lives changed.

I credit him for helping me find my purpose in life. From there, we inspired each other to be better men as we did life together. We have traveled together, played basketball together, laughed together and we have seen lives changed together. I remember when he used to ride his bike to church, then God blessed him with a car. I was the best man at his wedding and he has been a valuable supporter of my ministry.

I am aware of the case, the charge and the possible sentencing due to Antione's actions.

What he has done is not a representation of who he is. His level of remorse is great and he understands how his actions are not in line with who he is. In my 25 years of knowing Antione, he has been integral, dependable, focused and diligent while being an asset to his community and his family.

It's with deep respect for you Judge Rose that I ask for leniency in your determination of Antione's sentencing. Thank you for your time and consideration.

Ravon Ravenell
Pastor of The Presence Church
La Grange NC. 28551

Dear Judge Rose:

My name is Joe Lucas and I writing to you regarding my client and friend, Antoine Draines, who is a defendant in your courtroom.

Antoine and I met about 12 years ago. We had both served as commissioned officers at Wright Patterson Air Force Base, and both of us left the service and decided to stay in the Dayton area. I became a lawyer focused on real estate and he became a real estate investor, so it was inevitable that our paths would eventually cross. Antoine used a different attorney for a few years before he started using my office around 2011.

Among my dozens of clients who are real estate investors, Antoine stood out as among the handful of most successful, even more notable for a member of a traditionally underrepresented minority group. He had a vision for investing that allowed him to grow an investment portfolio and operate it successfully despite limited resources. On his own, Antoine perfected the use of the land installment contract, allowing him to lock up properties at low prices during the long downturn in the real estate market following the 2008 crash. He was able to get into contract with sellers who wanted out of their investments, often renovating vacant properties, and providing safe and affordable housing for working class tenants. I represented Antoine in many of these land installment contract transactions. The mere use of a land contract may not seem innovative, but the way Antoine structured them to minimize capital requirements, provide time for renovation and seasoning, and provide multiple opportunities to renegotiate payoffs was brilliant. I teach classes on real estate investing, and many of my talking points about land contracts and seller-financed transactions come straight from deals he put together.

When COVID happened and the federal government decided that landlords could not evict their tenants for nonpayment of rent, it seemed like a whole new world for investors who felt like they no longer controlled their own destinies and had to depend on government checks. I think Antoine's perception of this paradigm shift affected his typically clear and sound moral judgment. Antoine made a very bad choice when he submitted fraudulent rental assistance applications.

His sensitive conscience caused him to contact me about his situation before any investigation was ever started. I told him he could not undo the fraudulent applications but he could pay the money back and attempt to mitigate his bad choice, which he did immediately. I referred him to his present counsel Mr. Fleisher because of my own complete lack of experience in federal criminal court.

As I said I have known Antoine for a dozen years, and his actions in this case are not representative of the man I know. I have observed Antoine in some stressful situations, in litigation with tenants, contractors, and with contract counterparties. He has always conducted himself as a man of integrity and humanity. He did not chase the last dollar in every deal as some clients do, and it came as a shock and a surprise to me that he committed the offense in question, because he did not need the money.

I would ask you for leniency for Antoine. He transgressed and he knew it before anyone else pointed it out, and has tried to make amends. I consider it very unlikely that he will re-offend. Prison time may be a necessary sanction for the level of offense, but I would ask that his time be limited so that his wife and children do not begin to lose their attachment.

Very truly yours,

LAW OFFICE OF JOSEPH C LUCAS LLC

Joseph C Lucas, Esq.